

WASTE 2 RESOURCES ADVISORY COMMITTEE

** MEETING SUMMARY **

September 17, 2013, 9:30 a.m.

John Sherman, Acting Committee Chair, called the meeting to order at 9:33 a.m. and introductions were made. He asked for a motion to approve the May 21, 2013 meeting notes. Suellen Mele asked to make the following revision on page 2, second paragraph: “. . . *the main concern of NGOs is that HB 1444 as originally written was geared more toward a consumer fee at the point of retail.*” There was a motion to adopt the meeting notes with Suellen’s amendment. The motion was seconded and the notes were approved.

Budget & Legislative Update - Laurie Davies, Janine Bogar, Chuck Matthews

Contact: 360-407-6103, Laurie.Davies@ecy.wa.gov

Laurie said in the final 2013-15 budget, the most significant impact to the Waste 2 Resources (W2R) Program is a \$10 million, two biennia transfer from WRRLCA to Washington State Parks (Parks) and Recreation. Jan Gee and others worked hard to restore funding back to their intended uses. The transfer to Parks results in a net \$8.9 million reduction. Most programs will function as they did last biennium. Jody Snyder asked what Parks will use the money for. Laurie said the funds are to ensure state parks are maintained and operating well. Rick Hlavka asked how long the transfer will be in effect. Laurie said the legislation sunsets in 2017.

Suellen Mele asked if the budget proviso on the WRRLCA 30% is still in effect. Can the money now be spent on recycling? Laurie explained that we can resume funding activities with WRRLCA dollars such as composting.

Regarding SB 5296, known as the MTCA bill, Laurie explained that it originally started out to make sweeping changes to MTCA. In the end, the bill expanded uses of MTCA. The bill opened up uses of the account for storm water and permitting; created the Environmental Legacy Stewardship Account (ELSA); created the ability to do “Brownsfields” work to clean up properties for redevelopment; capped state and local accounts at \$140 million with remaining funds to go to ELSA; and changed how the Hazardous Substance Tax is distributed. Our concern is there is no ability to attach an inflationary growth factor. Ecology will pursue that issue next legislative session.

Remedial action grants are to be managed on a cash management basis. Cal Palmer asked for clarification on the ELSA account. Laurie explained there are now three accounts: State and Local Toxics accounts, and ELSA. The Legislature has left it to OFM and Ecology to decide what to fund from each account. Suellen Mele asked about the inflationary growth factor. Is it on the \$140 million? Laurie explained that the three accounts will be capped for now. \$140 million went to state and local toxics, and about \$116 million went to ELSA.

Laurie said that funding for tires, product stewardship, and other activities was appropriated at the levels we asked for. There is a significant shortfall for mercury containing lights.

Jody Snyder asked about the budget proviso imposed last legislative session. Will we go back to a couple of years ago when we were working on rules? Laurie explained there was no proviso on rules. Work on rules was very limited as directed by our former Governor by Executive Order. However, there is now legislation on prioritizing rulemaking. Ecology is working on a prioritized list that is due to the Legislature in December.

Jody Snyder asked what rules will be on the list. Laurie explained that the list is under development. CPG, PPG, Children's Safe Products, mercury lights, and revisions to -350 are on it. Work on -350 will likely be at the top of our list.

Laurie said the W2R Program will make two supplemental budget requests next legislative session, provided that OFM agrees. One request is for \$300,000 to do septage work, and the other is for money to deal with work under the Children's Safe Products Act.

Ecology will ask for an inflationary growth factor for MTCA. Ecology is also looking at increasing efficiencies in an agency sponsored bill that includes amending beneficial use determination language. Another agency sponsored bill would eliminate some required legislative reports. The reports the W2R Program produces that could be eliminated include reports on litter, tires, and biosolids. A lot of the information contained in the reports is already available online.

We are looking at changing the frequency of the litter survey from every two years to periodic. We are also proposing to establish a sliding scale match for CPG for the 25 percent portion for economically disadvantaged counties. This would be an amendment to 70.95. Suellen Mele asked if these streamlining efforts are all included in one piece of legislation. Laurie said they are split among three separate bills.

Dean Large asked Laurie to describe ideas on beneficial use legislation. Chuck Matthews explained how there's duplication in the statute. We hope to eliminate the section dealing with soil amendments (70.95.205) and combine that concept into the beneficial use section (70.95.300). The current beneficial use determination (BUD) process only allows Ecology to propose BUDs by rule. We want to change this to a one-time rule to set up an administrative process Ecology can use to propose BUDs similar to the application process that exists for external proposals.

The proposed amendment would also expand who can appeal BUDs. BUDs are not intended for MSW, but for agricultural wastes. Potato soils are a recent example. Dean asked if one of the primary intents of the change is to eliminate the requirement that materials have some soil amendment qualities. Chuck said no - the goal isn't to eliminate options. The goal is to eliminate duplication.

John Sherman asked how many beneficial use determinations Chuck sees. Chuck said about 8-10 a year. If we're successful with changing the statute and writing regulations, the program will have more potential.

Laurie Davies said she expects to see mercury lights legislation reintroduced next session. NEMA will likely run a bill. We've worked with NEMA on bill language. The latest draft eliminates the state contracted plan; establishes an environmental handling fee assessed at wholesale or retail; and adds antitrust and sunset language.

John Sherman asked if bills that didn't get decided last session will be automatically resurrected next session. Laurie said bills can be resurrected, but not automatically.

Suellen Mele asked if the mercury lights bill draft is NEMA's approach. Laurie said yes; however, we worked with them to draft the language.

Sego Jackson said that a bill setting a fee system may not get the support needed to pass. It's much different than manufacturers deciding how to deal with the costs through cost internalization. Dean Large said that if we compare the perspectives of industry, and public and private entities, there are very different ideas. Craig Lorch asked why we didn't just fix the inconsistencies in the law about what manufacturer's pay. Laurie said that we haven't had success with that approach yet.

Input on State Plan Update – Janine Bogar
Contact: 360-407-6654, Janine.Bogar@ecy.wa.gov

Janine explained that there will be several chances to provide input on the state plan update. The goal is to update the plan by end of 2014. W2RAC is one of the first groups being solicited for feedback.

At present, we call the plan "Beyond Waste." We may or may not keep that name based on feedback we receive. However, we do want to retain the current vision and direction of the plan, and address the current diverse solid waste system.

Janine gave a PowerPoint presentation on the state plan update, starting with some background information. See Janine's presentation posted on the W2RAC website.

Suellen Mele asked about the solid waste chart included in the presentation and if declines in waste relates to the recession. Janine said it does. Dean Large said he would look at it as it relates to solid waste recovery.

Jody Snyder asked if the state is saying that pounds per person have gone up for waste generated and disposal. Janine said that according to waste growing faster than population, per capita generation has likely gone up. Charts of per capita data can be found on the online progress report.

Cal Palmer asked about the level of resources we've budgeted for the plan update. Lorie Hewitt said that we have a program plan that lists who will work on it, but not exact amounts of time. Janine is only working on it part-time. Others in the program will spend fractions of their time. She estimated a total of 1.5 FTEs.

Janine proceeded to get feedback from the group on three key questions.

Question One: What do you need in the state solid and hazardous waste plan to make it most useful for you?

John Sherman would like to see flexibility in implementation.

Troy Lautenbach agreed with John Sherman.

Sego Jackson would like to see the plan address those things that can be more universal in the state. Figure out what is useful to standardize statewide as opposed to jurisdictions doing things themselves, e.g. harmonization of standard curbside materials.

Rick Hlvaka said that we need clear goals, like the 50% recycling rate.

Art Starry said that we need a way to evaluate success of programs.

Dean Large observed that it has always been confusing that concrete and other demolition materials for one activity are counted, while not for others. We could more clearly identify things that are part of reduction and recycling strategies. Work toward counting and acknowledging more materials, regardless if they go to a transfer station or are diverted elsewhere.

Cal Palmer said the method of measurement shouldn't be just about tons. We should recognize a balance that includes environmental protection to be achieved.

Art Starry suggested the state could provide examples of success stories.

Sego Jackson said it could be useful to have criteria for locals to focus on and prioritization.

Dean Large commented that people are happy with successes realized since 2005. He would appreciate a continued focus on toxicity hazards rather than tons of "widgets."

Suellen Mele said she would add greenhouse gas emissions to what Dean Large was talking about. What's most useful to her is being bold in taking next steps and moving forward. We should acknowledge that we're halfway there, and look at what has worked so far and build on that to develop next steps.

Jody Snyder said we have to think about programs that are sustainable and economical, and take into consideration whole effect or lifecycle analysis.

Cal Palmer agreed with looking at lifecycle analysis. The plan should be clearer about the top two or three things we want to accomplish in the next few months. It should be something we can use to educate legislators and key stakeholders.

Dean Large is concerned about imposing permanency in any program. There are unintended consequences. For example, a fund was created to pursue the issue of tire piles. The problem is now under control, yet the fund continues. We have no ability to do something else with the funding, and it goes to General Fund. *Clarification: It goes to the Department of Transportation.* Dean also used the example of computers. He questions if we have the toxicity we had in the past.

James Rivard commented that tires are still an issue in some areas.

Sego Jackson said the funding issues that Dean points out are good justification for cost internalization. The state plan needs to acknowledge the greater part of the system and how we interact with it. Large environmental impacts are upstream. If we're talking about lifecycle analysis, we need to look at upstream activities, too.

Dennis Durbin said that we should go back to the priority list presented to the state, see what we've accomplished, and revise/reprioritize accordingly.

Question 2: Thinking of an ideal waste management system, statewide or in your area, what are some key elements and actions to include in the plan update, especially for the next five years?

Troy Lautenbach said one thing that's important is the commingled recycling that has increased recycling, but also increased contamination. Improve existing programs. We need to include education and not forget the role of residents/consumers.

Suellen Mele said we should address optimizing curbside recycling. She used the example of the Commingled Workgroup in the Northwest Region.

Sego Jackson said that we should look at how to optimize systems that we have. He talked about expansion of curbside services and going to a universal three-sort system as reflected in the Climate Action Team (CAT) work. Another issue that has come up is financing work on C&D. Do we need a way to finance work on this?

Tanya Gray suggested that we focus on economic development or economic health. She used the example of plastics and how residents really want to recycle them, but there are no or few markets. She suggested state programs to develop markets or change the packaging upstream. How do we change the nature of waste so that it's recyclable? She also raised concerns about food waste and compostable products, and if processors can handle these.

Art Starry said we should identify emerging issues or opportunities that may be coming up. We need to look at attempts some have made to improve and their successes. Learn from the experiences of others.

Suellen Mele commented that it seems like we haven't really dealt with waste prevention. She wishes the plan could in a bigger way address waste prevention, and have more capability for some of us to work together to find approaches to move in that direction.

John Sherman asked about the next steps in the plan update process. Janine said there will be meetings with various stakeholder groups. She will gather input, summarize it, and use it to start drafting changes. There will be various venues to make additional comments. A website will be available soon.

Susanne McLemore asked if communication would go out to W2RAC soliciting additional comments since many couldn't attend today's meeting. Janine said she could do that.

Question 3: Do you have any overall advice to Ecology on this plan update?

Sego Jackson thinks we made a real mistake in the last plan. We weren't going to deal as much with the more typical recyclables. Some parties thought they weren't part of the plan.

John Sherman said we should get a lot of input. Focus on just a few key items.

Dean Large said the title of plan could be improved from a marketing perspective. Dennis Durbin agreed with Dean regarding the plan's title. When he talks to people outside his industry, they don't have a clue what "Beyond Waste" is. The title makes it difficult to talk about the state plan. An example of a clearer title would be "State Solid Waste Plan." Dean Large suggested a "Resources Plan." Suellen suggested that during the CAT process one proposal was "the next 50%." Maybe we can play with that image.

Matt Henry said if we want to look at the success of Beyond Waste over the years, we might want to look just at MSW and not include non-divertible wastes such as those from environmental cleanups.

Agenda Items for Future Meetings

- Reducing Toxic Threats Strategy – Carol Kraege, November 2013
- Collection of Used Oil – November 2013
- Waste Management's Behavior Study – January 2013
- Multifamily Pilots and Work Around the State – March 2014
- Scrap Metal Buyers & Need for NPDES Permits, TBD
- Presentation on Public Participation Grants - Jason Alberich, TBD

Meeting adjourned at 11:55 a.m.

Submitted by: Susanne McLemore